

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ALEX DELGADO, )  
Petitioner, )  
v. ) Civil Action No. 04-30124-MAP  
KATHLEEN M. DENNEHY, )  
COMMISSIONER OF CORRECTION, )  
Respondent. )  
\_\_\_\_\_  
)

RESPONDENT'S MOTION FOR LEAVE TO FILE MOTION  
AND SUPPORTING MEMORANDUM OF LAW INSTANTER

The respondent, through counsel, respectfully moves this Court for leave to file a motion to dismiss and supporting memorandum of law instanter. As grounds therefor the respondent's attorney states that researching and drafting the memorandum was interrupted by unanticipated developments regarding several other cases. Undersigned counsel was obliged to put aside the above project to deal with urgent matters including responding to a deposition subpoena and filing an opposition to motions. Counsel regrets any inconvenience to the Court or petitioner's counsel regarding this matter and will assent to any adjustments to the Scheduling Order.

Wherefor, for the above stated reasons, the respondent respectfully moves this Court for leave to file a motion to dismiss and supporting memorandum of law instanter

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

/s/ Annette C. Benedetto  
Annette C. Benedetto

**Assistant Attorney General  
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Boston, Massachusetts 02108  
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**CERTIFICATE OF CONSULTATION**

**Pursuant to Local Rule 7.1 (A) (2) , the respondent's attorney certifies that she left a message with the office of the petitioner's counsel, John Thompson, on August 25, 2006, relative to the motion to file instanter.**

**/s/ Annette C. Benedetto  
Annette C. Benedetto  
Assistant Attorney General**

**CERTIFICATE OF SERVICE**

**I hereby certify that this document filed through the Electronic Case Filing system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on the date set forth below.**

**August 25, 2006**

**/s/ Annette C. Benedetto  
Annette C. Benedetto  
Assistant Attorney General**